

REMARKS

Summary:

Claims 21, 23, and 25-43 are presently pending in this application. Claims 21, 35, 39, and 42 have been amended. Claim 22 has been canceled. No new claims have been added. Applicants respectfully request that the Examiner favorably reconsider and allow the pending claims.

35 U.S.C. §103 Rejection:

At page 2, paragraph 3 of the Office Action, claims 21, 27-31, 35, 37, 38-41, and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,148,271 to Marinelli in view of U.S. Pat. No. 6,148,271 to Pejas et al. (herein Pejas). At page 5, paragraph 4 of the Office Action, claims 22, 36, and 42 stand rejected under Marinelli in view of Pejas and U.S. Pat. No. 6,292,213 to Jones. As at least an element of claim 22 has been included in currently amended independent claim 21, at least an element of claim 36 has been included in currently amended independent claim 35, and at least an element of claim 42 has been included in currently amended claim 39, Applicants respectfully traverse the rejection regarding claims 22, 36, and 42, and request that the Examiner reconsider and withdraw the obviousness rejection

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP §2143, “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” Further, MPEP §706.02(j) (*citing Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)) recites:

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention the examiner must present a convincing line of reasoning as to why the

artisan would have found the claimed invention top be obvious in light of the teachings of the references.

The Office alleges that Marinelli in view of Pejas does not teach at least one camera for capturing at least one image and sending data representing the at least one image to the base station. Applicants agree. However, the Office further alleges that Jones column 8 line 44 bridging column 9 line 15, column 6 lines 46-67, and Fig. 1 teaches the same and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Jones and Pejas to Marinelli. However, Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in currently amended independent claims 21, 35, and 39. For example, currently amended independent claim 21 recites, *inter alia*:

. . . at least one camera for capturing at least one image and transmitting data representing said at least on image to the base station to correlate with the wireless data representing at least one performance metric

Currently amended independent claims 35 and 39 recite at least a similar element. Applicants assert that Jones column 8 line 44 bridging column 9 line 15, column 6 lines 46-67, and Fig. 1 generally discloses a portable micro video recorder set including a CCD control pack and a video recorder pack. For example, column 2 lines 56-60 recite a “portable micro video recorder set which is sufficiently portable, miniature and weather-resistant for use by a vacationer or athlete . . . who wishes to wear it . . . and self-record his or her own amusement. . . .” More specifically, Jones column 8 line 44 bridging column 9 line 15 generally describes the location of the video recorder pack relative to the CCD control pack and/or a base station and the communication among the CCD control pack, the video recorder pack, and the base station.

Further, column 3 lines 29-32 recite that “[a]nother usage configuration of micro camera set in accordance with the invention includes where a subject participant – say for example a

training skier – is accompanied on a trial run by one or more assistants or coaches.” During the trial run, the one or more assistants or coaches may provide audio commentary. Additionally “[t]here is also provided a signal storage / processing center which collects all the forgoing audio and video transmission and stores them in a single record where, upon playback, everyone’s commentary is synchronized.” Similarly, column 5 lines 27-31 recite that “[a]nother aspect of the invention relates to a method of configuring a micro video camera recorder set whereby a plurality of participants in an activity can acquire a record that synchronizes a single video signal with plural audio signals.” However, Applicants assert that Marinelli, Pejas, and Jones, either taken individually or in combination, fail to teach at least an element recited by currently amended independent claims 21, 35, and 39. In particular, Applicants assert that Jones’ mere recitation of synchronizing audio with video cannot expressly or impliedly suggest at least camera for capturing at least one image and transmitting data representing said at least one image to the base station **to correlate with the wireless data representing at least one performance metric** as recited by currently amended independent claim 21. Accordingly, Applicants assert that currently amended independent claim 21 is patentable over Marinelli, Pejas, and Jones either taken individually or in combination. Currently independent claims 35 and 39 are patentable as each recites at least a similar element. Claims 23, 25-34, 36-38, and 40-43 are patentable at least based on their dependency from patentable independent claims.

At page 5, paragraph 5 of the Office Action, claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marinelli in view of Pejas and U. S. Pat. No. 5,023,727 to Boyd, et al. For at least the reasons described above, Applicants assert that claim 23 is patentable at least for its dependency from patentable independent claim 21.

At page 6, paragraph 6 of the Office Action, claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marinelli in view of Pejas, Boyd, and in further view of U. S. Pat. No. 5,993,335 to Eden, et al. For at least the reasons described above, Applicants assert that claim 25 is patentable at least for its dependency from patentable independent claim 21.

At page 6, paragraph 7 of the Office Action, claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marinelli in view of Pejas and U. S. Pat. No. 6,430,453 to Shea, et al. For at least the reasons described above, Applicants assert that claim 26 is patentable at least for its dependency from patentable independent claim 21.

At page 7, paragraph 8 of the Office Action, claims 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Marinelli in view of Pejas and U. S. Pat. No. 6,163,021 to Mickelson. For at least the reasons described above, Applicants assert that claims 32-34 are patentable at least for their dependency from patentable independent claim 21.

CONCLUSION

For at least the foregoing reasons, Applicants submit that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims 21, 23, and 25-43. The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above.

Applicants respectfully request further examination on the merits of this application.

Please charge all fees in connection with this communication to Deposit Account No. 19-0733.

Respectfully submitted,

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